

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-20110-CR-GAYLES/GOODMAN

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL JOSE DULFO, *et. al.*,

Defendant(s).

DEFENDANTS' JOINT AND UNOPPOSED
MOTION TO CONTINUE TRIAL DATE

COMES NOW the Defendant, MICHAEL JOSE DULFO by and through undersigned counsel, pursuant to the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, and Rule 7.1 of the Local Rules of the Southern District of Florida and moves this Honorable Court to grant his unopposed motion to continue the trial date. In support of the motion, the Defendant states:

1. MICHAEL JOSE DULFO (Defendant/Mr. Dulfo) is charged by superseding indictment with stalking, racketeering promotion, arson, and the use of fire in furtherance of a felony. (DE 53).
2. This Honorable Court has set trial for Defendants Bayron Bennett, Jerren Howard, Edner Etienne and Mr. Dulfo for Monday, August 26, 2024, at 9 a.m., and this Court also set a calendar call for Wednesday, August 21, 2024, at 9:30 a.m. (DE 44). This Court has also set Defendants Fausto Villar, Avery Bivins, Clementa Johnson, Vernon Green, and Diori Barnard for trial on Monday, September 9, 2024, at 9 a.m., and a calendar call is set for these five defendants on Wednesday, September 4, 2024, at 9:30 a.m. (DE 59).

3. The discovery in the instant case as to all defendants is voluminous, and the Defendants will need additional time to review the discovery and be adequately prepared for trial. In addition, since the United States recently filed a superseding indictment in the instant case adding five co-defendants, the United States has additional and extensive discovery it is now disclosing to the defense. This discovery is also extensive, and counsel for the defendants and the defendants themselves will need considerable time to review the discovery to be prepared for trial or for a proper resolution to the individual case.

4. To be adequately prepared for trial, Mr. Dulfo and the co-defendants are jointly and respectfully seeking a 90-day delay of the presently scheduled trial periods.

5. After consulting with Mr. Dulfo, the undersigned affirms that Mr. Dulfo waives his right to a speedy trial, and Mr. Dulfo submits that the interests of justice served by a continuance outweigh the interests of the public and the Defendant to a speedy trial. He further submits and acknowledges that the period of the delay resulting from the date this motion continuance is filed up until the trial date is excludable time under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7).

6. The undersigned has conferred with Attorneys Dennis Gonzalez, Jr. (counsel for Defendant Bayron Bennett), Saam Zangeneh (counsel for Defendant Fausto Villar), Humberto Dominguez (counsel for Defendant Avery Bivins), Jordan Lewin (counsel for Defendant Clementa Johnson), Richard Serafini (counsel for Defendant Vernon Green), Danise Ponton (counsel for Defendant Diori Barnard), Kate Taylor (counsel for Defendant Jerren Keith Howard), and Robyn Blake (counsel for Defendant Edner Etienne), all of whom represented that they are unopposed to and join in this motion to continue.

7. Undersigned counsel also conferred with Assistant United States Attorney Brian

Dobbins, and Mr. Dobbins stated that the government is unopposed to the proposed delay.

7. This motion is filed in absolute good faith and not for purposes of trivial delay nor to simply frustrate the prosecution of this matter.

8. A proposed Order is also filed with this motion, and a copy is being sent separately to chambers in Word format.

WHEREFORE, Defendant Michael Jose Dulfo and his co-defendants, through their respective counsel, respectfully request that this Honorable Court grant the instant motion and continue the presently scheduled trial date and calendar call.

Respectfully submitted,

PAUL J. DONNELLY, P.A.

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/s/ /Paul J. Donnelly/

PAUL J. DONNELLY

Florida Bar No. 963895

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of August 2024, I electronically filed the foregoing document with the Clerk of Court using CM/ECF and a copy was sent via U.S. mail to Defendant Michael Dulfo. All parties to the instant case were served with this motion by being recipients to filings in this case via CM/ECF.

/s/ /Paul J. Donnelly/

PAUL J. DONNELLY